

**TOWN OF DARIEN
BOARD OF SELECTMEN
REGULAR MEETING
FEBRUARY 27, 2012**

ATTENDANCE: 1st Selectman Stevenson; Gerald Nielsen; David Bayne;
Dave Campbell; John Lundeen

STAFF: Karl Kilduff, Administrative Officer

OTHER: Jim Cameron, Ch 79

CALL TO ORDER

1st Selectman Stevenson called the meeting to order at 7:48 p.m.

1ST SELECTMAN'S REPORT

Ms. Stevenson said she received an email from Joe Ouellette, Transportation Supervising Engineer at DOT, on Friday, February 24th that he expects to have some concrete feedback for us in 2 weeks from his email. She said this board has discussed a potential HUD Grant in support of the Allen O'Neill redevelopment project. She read the following statement into the record:

"In our continuing efforts to develop affordable housing in Darien, the expansion and renovation of Allen O'Neill is important and supported by this board. While we are appreciative of any funding to further this project, we feel the acceptance of the HUD Grant Funding previously considered by this board could well result in delays and additional costs that do not justify the relatively small amount we would be receiving.

Our research and analysis shows that there would need to be an environmental review culminating with a publication of findings and submission to HUD causing additional expense and immediate and prolonged delay of the project.

Darien has a desire to actively increase our supply of housing and this grant could trigger the need for a preparation of an "Analysis of Impediments to Fair Housing Choice" which would require both time and expense. The record keeping and financial management of this analysis could also be expensive and time consuming.

If this grant for a more substantive amount or if we would be receiving funds on an on-going basis, the costs might be justified, however, this is not the case.

For these reasons, it's my understanding that this board is in unanimous agreement to not accept this grant funding. We will be working with the Board of Finance to identify

replacement funds so that this very worthwhile and necessary project will move forward on a timely basis.”

1st Selectman Stevenson said the Darien League of Women Voters and the Darien Tree Conservancy along with organizations from surrounding communities are sponsoring a program called “Power Struggle: Balance the Needs of People, Power and Trees”. It will take place on Tuesday evening from 7-9 p.m. in the Town Hall Auditorium.

There will be a Public Information Meeting on the redevelopment of the 2 Darien Services Plazas on Wednesday evening, February 29th at 7 p.m. at the Darien Library. Construction is due to begin in mid-March.

On Saturday, March 3, the Darien community is privileged to be hosting the Air Force Academy Falconaires Jazz Ensemble at 7:30 in the Darien High School Auditorium. The show is free but tickets must be obtained from the high school prior to the Saturday performance.

1st Selectman Stevenson said she had an informal meeting with Congressman Jim Himes where he informed her of the work he’s been doing. There was nothing discussed that was specific to Darien; rather, concerns about transportation and a focus on the national budget were some things that were discussed. She said she appreciated his outreach and feels that they can work well together.

ADMINISTRATIVE OFFICER’S REPORT

Mr. Kilduff said the Board of Selectmen’s budget has been sent to the printer. The Board of Finance will be receiving the Board of Selectmen’s budget and the Board of Education’s budget on March 6. A public hearing on the combined budgets is the following week.

PUBLIC COMMENT

There was no public comment.

NEW BUSINESS

a) Discuss Parking Policy Issues

Mr. Kilduff provided two memos outlining the parking policy issues. The 1st memo from him to 1st Selectman Stevenson indicated there are some administrative aspects that require the Board to provide direction and further support to reinforce trying to administer what they have and give them what they need to address some of the backlog issues. In the past, the problems had been voucher parkers parking where the Depot workers were allowed to park, and whether or not there could be a higher

penalty for that class of violation vs. a general violation. The cost of an infraction can be close to the cost of a daily voucher ticket. Late permit renewals were then discussed, with Mr. Kilduff stating in his memo that the majority of renewals are completed on a timely basis. However, a number of stragglers carry the process into February, March and even April. He suggested looking into establishing a penalty for being late, with more severe impacts after that (loss of permit). Misuse of a permit was then taken up. Parking regulations require the permit to be issued and used by the permit holder (applicant). Permits have moved to other cars under the pretext of “car pooling” with the neighbor or applicant moving in with a family and that person will use the permit. These situations should be violations. Enforcement of this can be solved by purchasing a license plate reader (LPR) which would compare the plate with the database of approved parkers. Mr. Kilduff said that there has been a recent increase of lost/missing permits. The daily parking charge for Darien is the lowest (\$3.00/day) along the line; all other surrounding communities are \$5.00/day.

1st Selectman Stevenson said she was in favor of looking into technological advances to support parking and regulations. She didn’t have a problem with increasing violation charges for parking violations. It was agreed to obtain benchmark information for further review and action.

The 2nd memo to Mr. Kilduff from Mr. Jeremy Ginsberg outlined the proposed parking policy for “Marked” vehicles. The issue is that the Town needs to have a policy relative to the parking of “marked” vehicles overnight within municipal parking lots in Darien. The vehicles have a business name, logo and/or graphics prominently displayed on them. The problem is that not all businesses in downtown have a private parking lot, but rather, they rely on on-street parking and municipal lots for their customers and employees to park. By allocating specific parking spaces within the municipal parking lots for daytime and overnight parking of such “marked” vehicles, we can avoid on-street parking of commercial vehicles. Any claims of using these for advertising can be minimized/averted. “Prime” parking spaces are better suited for customers/shoppers. The proposed policy states that the commercially marked vehicle(s) must be of a properly approved and permitted business currently operating and specifically allowed within the downtown (CBD Zone) which does not have parking on their property. A recommendation of a maximum of three “marked vehicle” parking permits per business was made. Further recommendations were made regarding Proposed “Marked Vehicle Parking” locations within Darien. They include a portion of the Mechanic Street municipal lot; the upper Tilley municipal parking area; the east side of Tokeneke Road (against the railroad tracks); and the Center Street north municipal parking lot. Discussion took place regarding stricter fines; grace period timing review; and the potential of purchasing an LPR. It was agreed to obtain benchmark information for further review and action.

Mr. Jim Cameron spoke about the lengthy wait list for parking at the train station lots. He suggested that they approach the DOT. Property values are hurting, and so is the Town. He suggested that they create incentives for permit holders.

b) Discuss Goal Setting Retreat

Mr. Kilduff and the Selectmen discussed this, agreeing to call it a “workshop” and have it in Room 206 at Town Hall. It will be a public meeting.

c) Discuss and Take Action on a Resolution Authorizing and Directing the First Selectman to Execute a Memorandum of Agreement Between the State of Connecticut and the Town of Darien regarding the FY2012 Emergency Management Performance Grant Program

**** MR. NIELSEN MOVED THE RESOLUTION AUTHORIZING AND DIRECTING THE FIRST SELECTMAN TO EXECUTE A MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF CONNECTICUT AND THE TOWN OF DARIEN REGARDING THE FY 2012 EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM.**
WHEREAS, THE STATE OF CONNECTICUT, DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION ACTING THROUGH THE DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY MANAGEMENT AND HOMELAND SECURITY CAN MAKE GRANTS AVAILABLE FOR MUNICIPAL EMERGENCY OPERATIONS CENTERS, STAFFING AND OTHER EMERGENCY MANAGEMENT ACTIVITIES, OF WHICH THE TOWN OF DARIEN IS ELIGIBLE; AND
WHEREAS, GRANTS ARE INTENDED TO INCREASE OPERATIONAL CAPABILITY THROUGH THE FUNDING OF PERSONNEL AND ADMINISTRATIVE EXPENSES; AND
WHEREAS, THE TOWN OF DARIEN HAS APPLIED FOR, AND BEEN AWARDED, FUNDING IN THE PAST FOR PART-TIME EMERGENCY MANAGEMENT DIRECTOR MARC MCEWAN; AND
WHEREAS, THE DARIEN BOARD OF SELECTMEN WISH TO CONTINUE TO SECURE STATE FUNDING TO SUPPORT EMERGENCY MANAGEMENT OPERATIONS IN THE TOWN.
NOW, THEREFORE, BE IT RESOLVD THAT THE DARIEN BOARD OF SELECTMEN MAY ENTER INTO WITH AND DELIVER TO THE STATE OF CONNECTICUT DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION INCLUDING THE DIVISION OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY ANY AND ALL DOCUMENTS WHICH IT DEEMS TO BE NECESSARY OR APPROPRIATE; AND

BE IT FURTHER RESOLVED THAT JAYME J. STEVENSON, AS FIRST SELECTMAN OF THE TOWN OF DARIEN, IS AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER ANY AND ALL DOCUMENTS ON BEHALF OF THE BOARD OF SELECTMEN AND TO DO AND PERFORM ALL ACTS AND THINGS SHE DEEMS NECESSARY OR APPROPRIATE TO CARRY OUT THE TERMS OF SUCH DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, EXECUTING AND DELIVERING ALL AGREEMENTS AND DOCUMENTS CONTEMPLATED BY SUCH DODCUMENTS.

**** MR. LUNDEEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- d) Discuss and Take Action on Consideration of Public Works Union Successor Contract and Refer Same to the Board of Finance and Representative Town Meeting

**** MR. LUNDEEN MOVED TO APPROVE THAT THE DARIEN BOARD OF SELECTMEN HEREBY APPROVES THE TENTATIVE AGREEMENT BETWEEN THE TOWN OF DARIEN AND OF CONNECTICUT COUNCIL #4 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES WITH REFERRAL OF THE SAME TO THE BOARD OF FINANCE FOR A REPORT AND REPRESENTATIVE TOWN MEETING, AS THE DARIEN LEGISLATIVE BODY, FOR FINAL ACTION.**

**** MR. CAMPBELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- e) Discuss and Take Action on Tax Assessment Appeals

Some discussion took place regarding this tax assessment appeal.

**** MR. CAMPBELL MOVED TO APPROVE THAT THE DARIEN BOARD OF SELECTMEN HEREBY APPROVES SETTLEMENT OF THE CASE OF THE WOODWAY COUNTRY CLUB, INC V. TOWN OF DARIEN, FST-CV-09-4016616-S TO AMEND THE FAIR MARKET VALUE FOR THE PROPERTY TO \$31,762,300 FROM \$34,535,800. THE AMENDED FAIR MARKET VALUE OF \$31,762,300 WILL APPLY TO THE GRAND LIST OF OCTOBER 1, 2008, THE GRAND LIST OF OCTOBER 1, 2009, THE GRAND LIST OF OCTOBER 1, 2010, THE GRAND LIST OF OCTOBER 1, 2011 AND THE GRAND LIST OF OCTOBER 1, 2012 IN ACCORDANCE WITH A STIPULATION FOR JUDGMENT, AND ACCEPTANCE OF A DECLARATION OF OPEN SPACE, DEED RESTRICTION, AND RIGHT OF FIRST REFUSAL.**

Some discussion took place on this appeal. Mr. Bayne said he was not in favor of this and would vote against it, because he finds the settlement to not be in the best

economic terms for Darien. 1st Selectman Stevenson said there is a lengthy debate over this, and she will vote in favor of it on the advisement of Town Counsel.

**** MR. NIELSEN SECONDED.**

**** MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (CAMPBELL, LUNDEEN, NIELSEN, STEVENSON) AND ONE (1) VOTE OPPOSED (BAYNE).**

f) Transfers

Registrar of Voters:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
	Contingency	\$ 730
	TOTAL	\$ 730

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10107661-83008	Food	\$ 730
	TOTAL	\$ 730

**** MR. CAMPBELL MOVED TO APPROVE THE TRANSFER OF \$730 FROM THE CONTINGENCY ACCCOUNT TO THE FOOD ACCOUNT.**

**** MR. BAYNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Public Works:

That the following transfer of appropriations is approved for referral to the Board of Finance:

From:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
	Contingency Fund	\$ 2,000
	TOTAL	\$ 2,000

To:

<u>Acct. No</u>	<u>Account</u>	<u>Amount</u>
10107661-81002	Part-Time Salary	\$ 2,000
	TOTAL	\$ 2,000

**** MR. NIELSEN MOVED TO APPROVE THE TRANSFER OF \$2,000 FROM THE CONTINGENCY FUND ACCOUNT TO THE PART-TIME SALARY ACCOUNT.**

- ** MR. BAYNE SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

1st Selectman Stevenson said that they will discuss the parking policy at a future meeting. She is waiting for information from Mr. Steeger regarding the waste transfer station.

APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following **appointment**:

- a) David May to the Beautification Commission for a 3-year term beginning on 12/1/2010 and expiring on 11/30/2013.

Consider and take action on the following **re-appointment**:

- a) Channel 79 Advisory Committee
b) Diane Barston to the Youth Commission for a 3-year term beginning 4/1/2012 and expiring on 3/31/2015.

Consider and take action on **recommendation to the RTM for re-appointment**:

- c) Dirk Leasure to the Five Mile River Commission for a 5-year term beginning 11/15/2011 and expiring on 11/14/2015.

**** MR. NIELSEN MOVED TO APPROVE THE APPOINTMENT OF DAVID MAY TO THE BEAUTIFICATION COMMISSION FOR A 3-YEAR TERM BEGINNING ON 12/1/2010 AND EXPIRING ON 11/30/2013; THE RE-APPOINTMENT OF THE CHANNEL 79 ADVISORY COMMITTEE; THE RE-APPOINTMENT OF DIANE BARTON TO THE YOUTH COMMISSION FOR A 3-YEAR TERM BEGINNING 4/1/2012 AND EXPIRING ON 3/31/2015; AND RECOMMENDATION TO THE RTM FOR RE-APPOINTMENT OF DIRK LEASURE TO THE FIVE MILE RIVER COMMISSION FOR A 5-YEAR TERM BEGINNING 11/15/2011 AND EXPIRING ON 11/14/2015.**

- ** MR. LUNDEEN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES

Regular Meeting of February 13, 2012

The changes to the Regular Meeting of February 13, 2012 are as follows:

On page 1, under FIRST SELECTMAN’S REPORT, the 4th paragraph should read: “First Selectman Stevenson announced that the Public Information Session on the I-95 Rest Stop Service Arena project will be on Wednesday February 29 at the Darien Library. March 15 is the target construction start date. It will be duly noticed in the newspapers.”

On page 2, the 4th paragraph should read: “First Selectman Stevenson asked to return back to her report to add that she had the opportunity to have a lunch and roundtable discussion with the former First Selectmen. She also met with representatives of CDOT and Mr. Lundeen concerning the Hoyt Street sidewalk issue. She stated that she found the DOT to be very helpful and she was encouraged with their willingness on collaborating with ways to bring this project along with the outcome of safety for all residents.”

On page 4, last paragraph, the 1st and 2nd sentences should read: “He is encouraged with the potential source of funds. He asked if it is a free standing sidewalk, and is there a need to clarify the viability of the project for the number of pedestrians involved as it is critical to have this as a baseline.”

On page 5, 2nd paragraph, the 1st sentence should read: “Mr. Nielsen asked if the DOT is providing the survey, and First Selectman Stevenson replied that they are to get back in a week with additional information.”

On page 5, paragraphs 5, 6, and 7 should read as follows:

“Mr. Bayne asked if it is possible to have in-house engineers design the project to present to the DOT. First Selectman Stevenson asked about the contingency fees, and Mr. Kilduff replied that it could come out of contingency based upon the scope of the project.

Mr. Bayne then asked about the Fire Commission radio request to address a dead zone spot at Hoyt Street, and Mr. Campbell replied that he agreed with cutting this request and asking the Board of Finance to resolve the issue with more information that will be available from the Police Department shortly.

Mr. Bayne asked about sidewalk rehabilitation of Christie Hill for \$77,000 and questioned whether it was needed or being done primarily because the roadway is being paved in this budget year. Mr. Kilduff replied that it is part of DPW’s scheduled sidewalk plan and that it is not an inconvenience to motorists or residents to do both the road and the sidewalk at the same time. First Selectmen Stevenson stated that she agreed to send it to send it on to the Board of Finance.”

On page 6, the 2nd paragraph should read: “Mr. Bayne questioned why the Board of Education did not involve the Selectmen in their discussion about the SRO since the funding was to come from the Selectmen’s budget. He further continued that while the program may be successful, there had already been some discussion about a new office

for the Police Department. Mr. Lundeen agreed that it must be made clear that it is not an automatic town funded item next year to staff the position in the future, and he would not be in support of doing so at this time.”

On page 6, 6th paragraph, change “Monica Miller” to “Monica Billeter”, and “Ms. Miller” to “Ms. Billeter”.

On page 6, last paragraph, the 3rd sentence should read: “Mr. Bayne stated that this is the largest grant in the town for a non-profit organization of this sort and is going from \$39,450 to \$52,000, which is a substantial increase. He would like to see where the money is going and requested a budget from the Depot to justify the increase.”

On page 7, 4th paragraph, last sentence, change “unfair” to “incorrect”.

On page 7, 5th paragraph, the 1st sentence should read: “Mr. Bayne added that they did not make a presentation in the budget process and unlike other organizations, there was no documented request for expenditures with details where the money goes.”

On page 7, the last paragraph should read: “Mr. Bruce Orr, Chairman of the Finance Committee, stated that the Board of Education is requesting thousands of dollars for a new Psychologist to address the growing needs for social services for teens. This social service goes beyond special education, which is already grown to a six figure or seven figure issue. He added that the BOE has been asking the question of whether teen services is an education expense or a community role. He gave the example of the SRO being a community expense or an education burden.”

On page 8, starting with paragraph 4, the entire page should read as follows:

”Mr. Bayne asked First Selectman Stevenson if she was currently involved with the Depot, and she replied no, and that she had nothing to be gained with sharing her comments or perspective.

Mr. Campbell stated that he was all for it with the funding request.

Mr. Bayne stated that he was still uncomfortable with approving the additional amount until additional information was provided. He suggested that the Board of Finance should make an inquiry of the Depot's role relative to Youth Services and whether it justifies this increase.

First Selectman Stevenson asked if the funding still exists if we could approve and cut it pending Board of Finance scrutiny.

Ms. Billeter asked who will help the kids if the Depot does not.

Mr. Bayne replied that he was not in any way critical of the Depot, but that in this budget environment, the Depot needs to provide an economic justification for this large increase in its grant before he will support it.

First Selectman Stevenson stated that it is a positive step to provide quantification of the funding with supporting documents.

Mr. Bayne commented that he was reluctantly supporting this budget because he sees no palatable alternative. He stated that he was concerned about the fact that the Town's spending is increasing by more than 6%, particularly in light of the Board of Education's proposed 5% plus increase in its budget. However, half of the increase on the Town side is for debt service and the rest of the increase merely maintains the status quo with respect to Town operations and capital needs. On the other hand, large property tax increases tend to hurt the most vulnerable of Darien's residents, many of whom are continuing to struggle in this economy. Because current projections indicate that the Town budget will face further upward pressures in future years if nothing is done, Mr. Bayne suggested that the Selectmen engage in a discussion before next year's budget process about the expectations of the Town's residents with respect to the services provided by the Town versus the willingness of Darien's citizens to pay for them."

On page 10, 1st full paragraph, change "Mr. Bayne" to "First Selectman Stevenson".

On page 10, under Discuss and Take Action on Mooring Standards, 1st sentence, change "Todd Bell" to "Tom Bell".

On page 10, under Discuss and Take Action on Approval of Gift for the Senior Center, 1st sentence, change "under" to "over".

- ** MR. BAYNE MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 13, 2012 AS AMENDED.**
- ** MR. LUNDEEN SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

FORTHCOMING MEETINGS

February 27, 2012	Board of Selectmen Regular Meeting at 7:45 p.m.
February 28, 2012	Planning & Zoning Commission Public Hearing at 8:00 p.m.
February 28, 2012	Board of Education Regular Meeting at 7:30 p.m.
March 6, 2012	Board of Finance Regular Meeting at 7:30 p.m. – Receive Budget
March 6, 2012	Planning & Zoning Commission Planning Meeting at 8:00 p.m.
March 12, 2012	Board of Selectmen Regular Meeting at 7:45 p.m.
March 13, 2012	Board of Finance Budget Public Hearing at 7:30 p.m.

OTHER BUSINESS (Any items added to the agenda require a two-thirds vote.)

ADJOURNMENT

**** MR. NIELSEN MOVED TO ADJOURN.**

**** MR. LUNDEEN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services